

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 12 and 23 are amended to correct antecedent basis. No new matter has been added. Claims 12, 14, 18-23, 25 and 29-34 are pending in the application and are rejected. Reconsideration of the claim is respectfully requested.

In paragraph 2 on page 3 of the Office Action, claims 12, 14, 19-21, 23, 30-32 and 34 were rejected under 35 USC §102(b) as being anticipated by Gutttag (5,120,089) or, in the alternative, under 35 USC § 103(a) as obvious in light of the teachings of Gutttag in view of Denenberg (5,673,338) and further in view of Schlauch (6,082,774). In paragraph 3 on page 5 of the Office Action, claims 18, 22, 29 and 33 were rejected under 35 USC § 103(a) as being unpatentable over Gutttag as modified by Denenberg and Schlauch as applied to claims 12 and 23 above, and further in view of Martin (5,601,683) or Burnham et al. (4,884,828). Applicants respectfully traverse the rejections.

Gutttag fails to teach or suggest at least a second indicia which is not visible under normal viewing conditions for confirming that said limited edition official postal stamp is a valid limited edition official postal stamp as recited in claim 12. Rather, Gutttag discloses that an expert can serially number a philatelic item expertized by him or her, e.g., serialize a number of “inverted Jenny” defective stamps. Applicants’ submit that a serial or series number is not the same as a limited edition. Accordingly, Gutttag does not disclose a limited edition stamp. Moreover, Gutttag does not disclose, expressly or inherently, a second indicia for confirming that the limited edition official postal stamp is a valid limited edition official postal stamp, i.e., a stamp being one out of a predetermined number. *See* page 7 of Applicants’ Specification. The Office Action’s inherent use of “irregularities in ink, bubbles in ink and/or fibers of the paper . . . that is not capable of being scanned” does not confirm that said limited edition official postal stamp is a valid limited edition official postal stamp, i.e., a stamp being one out of a predetermined number. “Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result for a given set of circumstances is not sufficient.” *Continental Can*

Co. v. Monsanto Co., 948 F. 2d 1264, 1269, 20 USPQ 1746, 1749 (Fed. Cir. 1991).

Denenberg fails to remedy the deficiencies of Gutttag as Denenberg fails to teach or suggest at least a second indicia which is not visible under normal viewing conditions for confirming that said limited edition official postal stamp is a valid limited edition official postal stamp as recited in claim 12. Rather, Denenberg discloses that microscopic anomalies created from a manufacturing or printing of an object, such as a painting, gives the object a unique signature. *See* Col.3, lines 52-59. However, Denenberg does not confirm that a limited edition official postal stamp is a valid limited edition official postage stamp, i.e., a stamp being one out of a predetermined number.

Schlauch fails to remedy the deficiencies of Gutttag and Denenberg as Schlauch fails to teach or suggest at least a second indicia which is not visible under normal viewing conditions for confirming that said limited edition official postal stamp is a valid limited edition official postal stamp as recited in claim 12. Rather, Schlauch merely discloses a human readable limited edition marking 520 on the back of an envelope. Col. 17, lines 56-57. However, Schlauch also does not confirm, expressly or inherently, that a limited edition official postal stamp is a valid limited edition official postage stamp, i.e., a stamp being one out of a predetermined number.

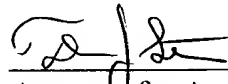
Thus, it is submitted that further consideration of claim rejections under 35 USC 103(a) upon the citing of the fourth and fifth applied prior art references to Martin and Burnham is moot, inasmuch as the combination of Gutttag, Denenberg, Schlauch, Martin and Burnham still lack any teaching, disclosure, or suggestion concerning confirming that a limited edition official postal stamp is a valid limited edition official postage stamp as previously discussed.

In view of the above remarks, Applicants respectfully submit that claim 12 is patentable over the cited references. Rejected independent claims 23 and 34 recite one or more features generally similar to those of claim 12 discussed above and, for similar reasons as discussed above, are believed to be patentable over the cited references. Because claims 14, 18-22 and 25, 29-33 depend from claims 12 and 23, respectively, and include the features recited in the independent claims as well as additional features, Applicants respectfully submit that claims

14, 18-22 and 25, 29-33 are also patentably distinct over the cited references. Nevertheless, Applicants are not conceding the correctness of the Examiner's rejection with respect to such dependent claims and reserves the right to make additional arguments if necessary.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



Attorney for Applicant(s)
Registration No. 53,950

Thomas J. Strouse/phw
Rochester, NY 14650
Telephone: 585-588-2728
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.